

4425 SUNRISE



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, OCTOBER 28, 2009**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
October 16, 2009**

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Official

SUBJECT: 4425 Sunrise Avenue, El Paso, Texas 79904

The following is a brief chronology of the investigation of the referenced location:

On August 28, 2009, a hearing was held before the Building and Standards Commission at City Council Chambers and it was found that the structures located on said property are an urban nuisance, are currently unsafe, substandard, unfit for human habitation or use and therefore a hazard to the public health, safety and welfare, and the structures are not in substantial compliance with the Municipal Ordinances regulating structural or service systems integrity and disposal of refuse. The Building and Standards Commission ordered the owners: Northeast Community Development Organization, 8740 Gateway North, El Paso, Texas, 79904,

- 1) That the structures be vacated and remain vacated within thirty (30) days; and
- 2) That the structures be secured and maintained secure within thirty (30) days; and
- 3) That the structures be rehabilitated within sixty (60) days; and
- 4) That the structures be demolished if they are not rehabilitated within (60) days;
- 5) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 6) That a public hearing be scheduled for October 28, 2009 to determine if the order has been complied with.

To date the Building and Standards Commission Order has not been complied with.

The department recommends that the Building and Standards Commission make the following findings:

- 1) That the owners of said property Northeast Community Development Organization, 8740 Gateway North, El Paso, Texas, 79904, were notified of the requirements of Section 18.50 and their need to comply with these requirements; and
- 2) That after notification, the owners have failed to comply with the order that Building and Standards Commission adopted on August 28, 2009; and
- 3) That the property that is subject to the order is not the owner's homestead; and

The Department recommends that since the owners have not complied with the Building and Standards Commission order dated August 28, 2009.

- 1) That the structures be demolished within thirty (30) days; and
- 2) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

DEVELOPMENT SERVICES DEPARTMENT
July 29, 2009

NOTICE OF VIOLATION

Northeast Community Development Organization
8740 Gateway Blvd N Apt 149
El Paso, Texas 79904-2384

Re: 4425 Sunrise Ave.
Blk: 5 Del Norte Acres
Lot: W 160 Ft of 1
Zoned: A2
BSC09-00546
Mail Receipt #:
7008 1300 0001 0407 6708

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **4425 Sunrise Ave., El Paso, Texas, 79904** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- f. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- g. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- h. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- i. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- j. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **26th** day of **August, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **4425 Sunrise Ave.**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The Westerly 160 feet of Lot 1, Block 5, DEL NORTE ACRES, an addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof recorded in Volume 6, Page 1, of the Plat Records of El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Northeast Community Development Organization, 8740 Gateway North El Paso, Texas 79904, (the "**Owner**") is listed as the owner of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owner of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owner, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owner, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Inspector
Development Services Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 4425 Sunrise Ave. was PUBLISHED in the official City newspaper on the ____day of_____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Northeast Community Development
Organization
8740 Gateway North
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Crown Royal Investments
c/o Frank T. James
700 West Paisano
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Charles Vinson
Calhoun Vinson & Reaves, LLP
6044 Gateway E. Suite 301
El Paso, Texas 79905

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

E. W. Smith
c/o Crown Royal INvestments
700 W. Paisano
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Savings Bank
Victor M. Frith, Trustee
415 N. Mesa St., 3rd Floor
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

E P Lincoln Investments
c/o Oscar Andrade
1900 Wyoming
El Paso, Texas 79903

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Gustavo R Martinez, President
Northeast Community Development
Organization
4425 Sunrise
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha Rodriguez, Director
Northeast Community Development
Organization
4425 Sunrise
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aurora Valverde, Secretary
Northeast Community Development
Organization
4425 Sunrise
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

First Savings Bank
c/o Hector Briseno
909 N. Mesa
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Northeast Community Development
Organization
c/o Anthony C. Aguilar
11405 North Loop
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Private Professional Fiduciaries, Inc.
c/o Sandra S. Moore
501 Executive Center Blvd. #200
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

G R Martinez
4756 Excalibur
El Paso, Texas 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Martha T. Rodriguez
8740 Gateway North
El Paso, Texas 79904

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 4425 Sunrise Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Aurora Velarde
1221 San Antonio
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 4425 Sunrise Ave., El Paso, Texas.

Date:
Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 8/19/09

REP. DISTRICT: 2

ADDRESS: 4425 Sunrise Avenue

ZONED: A-2

LEGAL DESCRIPTION: Block 5, Del Norte Acres, W 160 Ft. of 1

OWNER: Northeast Community Development Organization **ADDRESS:** 8740 Gateway North
El Paso, Texas 79904

BUILDING USE: Dilapidated open and abandoned multifamily apartments

TYPE OF CONSTRUCTION: V – Cinder block with wood framing

FOOTINGS: Concrete

CONDITION: Appears to be no damage to footings, however, due to years of water infiltration of property, an engineer must assess the actual condition of the footings.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade

CONDITION: Poor. Most if not all floor coverings must be replaced.

EXTERIOR WALLS: CMU

HEIGHT: 20'

THICKNESS: 8"

CONDITION: Fair. Only cleaning and minor repairs are needed.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.

CONDITION: Poor. The sheet rock walls contain holes and must be replaced in many areas.

ROOF STRUCTURE: Flat roof, wood frame w/rolled composition roofing.

CONDITION: Poor. A registered roofing or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

DOORS, WINDOWS, ETC.: Wood doors and aluminum frame windows

CONDITION: Poor. Most doors and windows must be replaced and new windows must meet egress.

MEANS OF EGRESS: N/A

CONDITION: N/A

PLUMBING: Most of the plumbing must be replaced to meet code. A licensed plumber must be hired to evaluate the entire plumbing system and make all the required repairs.

ELECTRICAL: The electrical system is substandard and must be evaluated by a licensed contractor and make the required repairs to meet code.

MECHANICAL: Substandard. Hire a mechanical contractor to evaluate entire system and make the repairs, which are needed to bring the system into compliance with the code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 1 through 3

WARNING POSTED: No

BARRICADED: NO

POLICE AID REQD.: No

REMARKS: These substandard dilapidated apartment buildings are a danger to the occupants and the general public. The structures should be vacated and secured within thirty (30) days. The structures should be rehabilitated within sixty (60) days. If the structures are not rehabilitated then they should be demolished. The property should be cleaned within thirty (30) days.

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: August 14, 2009

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Sylvia O. Zanella, Code Compliance Supervisor

SUBJECT: Condemnation Report #COD09-18120

RE: 4425 Sunrise Ave

An inspection of the property was conducted on 8/13/09 and the conditions checked were in reference to Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE MANAGEMENT – STORAGE AREA:
N / A

SECTION 9.04.340 – ACCUMULATIONS:

Sofa and a chair were placed outside the doors of some apartments, some trash and debris were noted throughout the property.

SECTION 9.16 - NUISANCE:

Weeds were noted on the property and the parkway. Windows were opened or broken; the air conditioning units were missing the panels. The property was accessible to vagrants.

SECTION 9.16.010 - DESIGNATED:

Apartment complex, vacant, some units were boarded up others were missing door, were open and/or had broken windows; some units were full of clothes and household items.

SECTION 9.28 -RAT CONTROL: No evidence of rats/rodents or vermin was noted during the inspection.